IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

HIMSELF AND ALL OTHERS SIMILARILY SITUATED,)))
Plaintiff,) Case No. 1:10CV00037
V.	ORDER
EQT PRODUCTION COMPANY, ET AL.,) By: James P. Jones) United States District Judg
Defendants.)

This action by a deemed lessor of coalbed methane gas under the Virginia Gas and Oil Act, Va. Code Ann. § 45.1-361.1 to .26 (2002 & Supp. 2011), was referred to a magistrate judge pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2006 & Supp. 2011) and Federal Rule of Civil Procedure 72(b) for findings and recommendations on motions to dismiss by the defendants. After briefing and argument by the parties, the magistrate judge issued her Report and Recommendations. *Adair v. EQT Prod. Co.*, No. 1:10CV00037 (W.D. Va. Jan 21, 2011) (Sargent, J.). The plaintiff and the defendants filed timely Objections to the Report and Recommendations, which Objections have been briefed and argued before me.

Based upon my de novo review of the Objections, it is **ORDERED** as

follows:

1. All of the Objections are OVERRULED;

2. The Report and Recommendations (ECF No. 177) are fully

ACCEPTED;

3. The Motion to Dismiss Amended Complaint by EQT Production

Company (ECF No. 77) is GRANTED IN PART AND DENIED IN PART in

accord with the Report and Recommendations;

4. The Motions to Dismiss by the Coal Owners (ECF Nos. 93, 169) are

GRANTED IN PART AND DENIED IN PART in accord with the Report and

Recommendations; and

5. The Motion to Dismiss by the Commonwealth of Virginia (ECF No.

106) is GRANTED in accord with the Report and Recommendations.

ENTER: September 28, 2011

/s/ James P. Jones

United States District Judge

-2-